



# Administrative Memorandum

Nebraska Supreme Court  
State Court Administrator  
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RE: Administrative Memorandum 04-007

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Administrative Memoranda available at [www.nebraskacourt.com](http://www.nebraskacourt.com) under "Court Administrator's Office" on the main page, left hand menu.

## ◆ EMPLOYEE SELF SERVICE OPEN ENROLLMENT A SUCCESS

The first year of employees entering their own choices for state-sponsored benefits wasn't without glitches but went very smoothly. Thanks to all of our employees who conquered the NIS system and have hands-on experience with the state's new payroll and accounting system. Thanks also to Eileen Janssen, Judy Beutler, Janice Walker, Kathy Moore, Jane Wray, Thelma Smith, Ken Wade, David Wegner and Linda Zabel who made phone calls and visited courts to help with the process. Benefits are an important part of all of our lives and this success means that all of us who wish to have benefits during 2005 will have them. Don't forget your password so that you can go back into the system to check leave balances, print copies of your paycheck stubs, etc.

## ◆ FILE-STAMPING OF FINAL ORDERS

*Reminder to Clerks of District Court and County Court Clerk Magistrates*

Recent opinions from the Nebraska Court of Appeals, including State v. Brown, 12 Neb. App. 940, 687 N.W.2d 203 (2004), continue to remind lower court clerks that the file stamping of final orders is essential to "entry" of judgment as defined by Neb. Rev. Stat. § 25-1301. As Brown makes clear, without "entry" of judgment, there can be no final order from which an appeal may be taken and a case may be subject to dismissal by an appellate court for lack of jurisdiction. The Court of Appeals in Brown stated, in part:

**... no one benefits from the extra work and delay occasioned by improper rendition and entry of what are intended as final judgments. The requirements for rendition and entry of judgments under § 25-1301 have been with us since August 28, 1999, and adherence to the requirements found therein should now be a matter of routine.**

Id. at 944, 207.

Please review your office procedures to be sure you are properly file stamping, thus entering, all judgments. If anyone has questions, call Janice Walker, Deputy State Court Administrator, at 402-471-2764.

## ◆ FINAL VISIT OF SUMMER TOUR HELD IN LANCASTER COUNTY

The State Court Administrator's summer tour, which has lapsed into fall, is in no danger of continuing through winter. The final district, Lancaster County, was a short walk between governmental buildings. All in all, Mr. Goodroe logged in approximately 4,290 miles, spoke with hundreds of employees and was given a wonderful reception by all. Photos and itineraries can be found on the Judicial Branch Web Site, [www.nebraskacourt.com](http://www.nebraskacourt.com).

## ◆ CHANGE IN E-MAIL FOR TRIAL COURT USERS

A new E-Mail system will soon be available for trial court employees. It will not affect Supreme Court or Court of Appeals judges or employees – just those in the trial court system. Sherri Stark of the JUSTICE team has worked to define the requirements for the new system and to test potential systems. The team selected the system which offered the most functions and which was easiest to use.

Court employees will see some changes. The form of E-Mail addresses will change. The new format will be first name, period (dot), last name, @ courts.ne.gov. An example:

**Cheryl.Sample@courts.ne.gov**

Employees may set up their own address books, create groups of people they commonly E-Mail, and can look up the E-Mail addresses of others who use the service. It will be easier to exchange E-Mail with the Court Administrator's Office and any other State employee in the directory. You may type your name and contact information once and save it as an 'electronic signature' which appears on your outgoing mail. You may attach other documents to your E-Mail, use different fonts and colors, and choose to check your notes for correct spelling. E-Mail you send and receive will be scanned for viruses and spam (unwanted electronic mail).

This service will replace the current Alltel E-Mail system. Instead, it uses Lotus Workplace, which works nicely with the state's full E-Mail product, Lotus Notes. The State Court Administrator approved the switch to the state's basic e-mail system and work has begun to change over to the new system. The plan is to begin using this new service at the beginning of the new year. If you would like additional information, contact John Cariotto, Associate Administrator, at 402-471-3049.

#### ◆ **CHILD SUPPORT CALCULATOR KEPT UP-TO-DATE**

Judge Alan Gless will take on the task of updating the child support calculator originally developed by Judge William Cassel. Judge Gless will see that the calculator is available through the internet to anyone interested in using it. If you are not now using the calculator and would like additional information, contact Janet Bancroft, Public Information Officer, at 402-471-3205.

#### ◆ **FAMILY DEPENDENCY DRUG COURTS IN LINCOLN AND OMAHA**

Both Lancaster County and Douglas County Family Dependency Drug Court teams have been accepted for the Department of Justice intensive training program. Lancaster County, under the direction of Separate Juvenile Court Judge Linda Porter, starts in January, 2005. Douglas County, lead by Separate Juvenile Court Judge Doug Johnson begins in March, 2005. Congratulations to both judges and teams, along with Dr. Victoria Weisz from the Center for Children, Families and the Courts for a job well done. If you have interest in the establishment of Drug Courts, contact Frank E. Goodroe, State Court Administrator, at 402-471-3730.

#### ◆ **LEGISLATIVE-JUDICIAL VISITS FOR NEW STATE SENATORS**

Planning is under way for Legislative-Judicial visits for the eight new state senators elected in November. The purpose of the program is to give new legislative members an experiential understanding of the volume, complexity, variety and difficulty of work of the trial courts. Each of the new senators will be invited to spend a morning with a host judge which generally includes a briefing in chambers; a morning observing court proceedings, and lunch with criminal justice representatives from the area.

#### ◆ **ETHICS OPINION ON MARRIAGE COMPENSATION PUBLISHED**

Judges should have received individual copies of Ethics Advisory Opinion number 04-2 regarding appropriate compensation for marriage ceremonies. If you do not have a copy, contact Marcie Brush, Administrative Assistant, 402-471-2249, for copies of previously issued opinions. You can also print them off the Judicial Branch website, [www.nebrascacourt.com/comm/jecintro.htm#opinions](http://www.nebrascacourt.com/comm/jecintro.htm#opinions).

#### ◆ **WORK ETHIC CAMP (WEC)**

The count at WEC on Monday, November 1, 2004, was 65 offenders. There are 23 additional offenders to enter during the month, and nine offenders scheduled to be released during that same period.

What does this mean? It means if all 23 tentative offenders are eventually admitted and the discharges successful, there would be 79 offenders at WEC on November 22, 2004. At this point, there is only one *confirmed* offender for the next three weeks meaning that the number could be as low as 57 by the end of the month.

Thanks for continued support of WEC. If you have any questions, contact David Wegner, Deputy State Probation Administrator, at 402-471-4190.

## ◆ **INSIGHT EMPLOYEE ASSISTANCE PROGRAM**

Critical Incident Stress Management is a comprehensive crisis response program. By comprehensive, we mean an integrated, multi-component intervention system that spans the entire crisis spectrum from pre-crisis preparation and on-scene support services through post-crisis intervention and follow-up mental health services as needed. This service is provided by InSight EAP and is accessed by contacting their office at 402-488-1032 or 800-488-1043. Post-crisis intervention is typically provided 48 to 72 hours after the event has occurred. Some situations that might involve CISM response would include the sudden death of a co-worker, a workplace accident, world events, and workplace violence. If you have questions about the CISM services please contact Sue Outson at 402-488-1032 or 800-488-1043.

## ◆ **JUDICIAL BRANCH EDUCATION**

In September, the Nebraska Supreme Court lifted its ban on out of state travel. This will enable judges to attend education conferences held at out of state venues. A policy on education travel was also approved at that time. Should you desire to travel to an education conference out of state, please contact Judicial Branch Education Director Philip Gould, 402-471-3072, for a copy of the policy and the necessary form.

The local funding available for these education efforts is extremely limited, so it would be of great assistance if external funding sources were explored to augment the state funds which are available.

Copies of the 2005 catalog of course offerings from the National Judicial College are also available.

Please mark your calendars for the following in-state programs to be held in 2005:

- **County Judges Annual Meeting**, June 28 – 30, North Platte, Sandhills Convention Center
- **Dist. Judges/Sep. Juv. Judges/Off. Court Reporters Annual Meeting**, June 8 – 10, Omaha, Marriott Hotel
- **Clerk Magistrates Annual Meeting**, September 28 – 30, South Sioux City, Marina Inn Conference Center
- **Fall Judges Meeting/NSBA Annual Meeting**, November 9 – 11 (*tentative dates*), Lincoln, Cornhusker Hotel

Programming for these conferences is still being set. If you have a particular subject or interest that you would like to see presented on these agendas, please contact either a representative of your association's education committee or Philip Gould, Judicial Branch Education Director, 402-471-3072.

## ◆ **BAR DUES INCREASED FOR COUNSEL FOR DISCIPLINE**

Uncollected court costs incurred in certain disciplinary proceedings have necessitated a dues increase to support the office of the Counsel for Discipline. Active members will see an increase of \$20 and inactive members will increase \$10. In all disciplinary proceedings, a judgment of discipline includes an order to pay court costs. Unfortunately, the ability to collect court costs is limited in proceedings involving judgments of disbarment or suspension. It is important to note that even with the increase in the disciplinary assessment, the Nebraska attorney disciplinary system remains one of the most cost-efficient programs in the nation according to studies done by the International Survey of Annual Attorney Licensing Fees and the American Bar Association.

## ◆ SUPREME COURT RULE CHANGES

[www.nebraskacourt.com](http://www.nebraskacourt.com) Select "Supreme Court Rules" look under "Rule Amendments (made within the last 90 days)"

Amendment to Neb. Ct. R. of Discipline 16 intended to require attorneys who are suspended for more than 30 days to close all trust accounts and return client funds in such accounts unless client cannot be located after a reasonable search.

Amendment to Uniform County Court Rule 5 requires that all Small Claims Court proceedings be tape-recorded and preserved for at least 9 months.

REMINDER--December 17, 2004 -- Comment period ends for the Rules Governing the Unauthorized Practice of Law.

## ◆ UNIFORM COUNTY COURT RULE 5

On November 10, 2004, the Supreme Court adopted Uniform County Court Rule 5, which requires that all proceedings in small claims court be tape recorded and the recording preserved for a period of 9 months from the date of the proceeding. The rule became effective on the date of its adoption

As you are of course aware, these recordings are not for use upon appeal since small claims appeals are tried de novo in the district court. However, if a request is made for a transcript of the tape, Rule 5 states that these requests are to be made and paid for as in all other county court cases.

## ◆ STATE AND COURT HOLIDAYS FOR 2005

New Year's Day	December 31
Martin Luther King, Jr. Day	January 17
Presidents' Day	February 21
Arbor Day	April 29
Memorial Day	May 30
Independence Day	July 4
Labor Day	September 5
Columbus Day	October 10
Veterans' Day	November 11
Thanksgiving	November 24
	November 25 (Friday following)
Christmas	December 26

## ◆ FILING AND REPORTING REQUIREMENTS

Statement for Payment of Interpreters: Interpreter to submit between the 1<sup>st</sup> and 7<sup>th</sup> day of each month.

Judges' Cases Under Advisement Reports: Due by the 5<sup>th</sup> day of each month (reports are compiled and submitted to the Supreme Court).

Court Reporter Timesheets: Due by the 5<sup>th</sup> day of each month (judges are to sign time sheets prior to submission).

Permanently Assigned Vehicle Logs: Due by the 5<sup>th</sup> day of each month.

Report of Probate Cases Pending: Due by the 10<sup>th</sup> day of each month.

Court Caseload Monthly Statistic Reports: Due by the 10<sup>th</sup> day of each month.

County Court Time Sheets: Due by the 10<sup>th</sup> day of each month.

Stenographer Transcription Reports: Due by the 10<sup>th</sup> day of each month.

Cash Drawer Short/Long Transactions (County Court only): Due by the 10<sup>th</sup> day of each month.

Expense Vouchers: Submit on a monthly basis (rather than combining several months of expenses on one voucher).

## ◆ JUSTICE TRAINING OPPORTUNITIES

- County Court, January 10 – 14, Lincoln
- County Court, February 7 – 11, North Platte
- District Court, February 15 – 17, Lincoln
- District Court, March 22 – 24, North Platte

Complete training calendars for 2005 can be found online:

- County Court Calendar: [http://court.nol.org/community/cc\\_justice\\_train\\_cal.pdf](http://court.nol.org/community/cc_justice_train_cal.pdf)
- District Court Calendar: [http://court.nol.org/community/dc\\_justice\\_train\\_cal.pdf](http://court.nol.org/community/dc_justice_train_cal.pdf)

Contact Marcie Brush, Administrative Assistant, at 402-471-2249, for registration information.

## ◆ RESOURCE/REFERRAL GUIDE

The Resource/Referral Guide, recently produced by the Minority and Justice Implementation Committee, provides a compilation of contact information for various groups and agencies. The guide is available to inform citizens where they can direct discrimination complaints, receive community support and/or obtain legal representation. The Guide is available via the internet at [www.nebar.com/pdfs/public\\_info/MJTF\\_Referral%20List](http://www.nebar.com/pdfs/public_info/MJTF_Referral%20List).